

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of: John Haig MARSH et al.

Application Number: 10/536,936

Filed: 17 February 2006

Art Unit: 3663

Examiner: Mark HELLNER

Confirmation Number: 8326

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§1.6(a)(4) on the date below:

20 September 2007

Date

/Patty Romanelli/

Patty Romanelli

For: SEMICONDUCTOR OPTICAL DEVICE WITH BEAM FOCUSING

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR REFUND DUE TO CANCELLATION OF CLAIMS  
PURSUANT TO 37 CFR § 1.117**

Dear Sir:

This communication accompanies Applicant's Reply to Restriction/Election Requirement filed on even date (20 September 2007), which in turn was responsive to the Examiner's Action mailed 22 August 2007.

Applicant filed this application (the "Application"), which is the US national stage of International Patent Application Number PCT/GB2003/004906, on 17 February 2006. In the condition in which the Application was filed, the Application presented 29 claims in total, and 2 independent claims. At the time of filing Applicant therefore paid excess claims fees as follows:

| Section of 37 CFR | Fee Description  | Fee Paid |
|-------------------|--|----------|
| 1.492(e)          | Total Claims in excess of twenty (Large Entity)<br>(29 – 20) X \$50.00 | \$450.00 |

In the accompanying Reply, Applicant canceled all but 18 claims in total, and therefore the \$450.00 in excess claims fees paid upon filing are now completely refundable. Pursuant to 37 CFR § 1.117(a) and (b), the cancellation of these claims occurred prior to the rendering of an action on the merits.

Pursuant to 37 CFR § 1.117(b), this request for refund is made within two months of the date on which these claims were canceled.

Applicant respectfully requests the Commissioner to credit the refund to Deposit Account No. 503982 of Momkus McCluskey Monroe Marsh & Spyratos, LLC.

Respectfully submitted,

/Jefferson Perkins/  
Jefferson Perkins  
Registration No. 31,407

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